



Docket No. 1829-4004US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Susan A. Slaughaupt, et al.

Group Art Unit: 1645

Serial No.: 10/041,856

Examiner: TBA

Filed: January 7, 2002

For: GENE FOR IDENTIFYING INDIVIDUALS WITH FAMILIAL DYSAUTONOMIA

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Commissioner for Patents  
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1. Response To Restriction Requirement
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RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sirs:

This is in response to the Office Action dated June 17, 2004, in which the Examiner subjected pending claims 1 to 43 to a restriction requirement under 35 USC §121. A petition and fee of \$55.00 for a one month extension of time is submitted herewith, extending the time for response to August 17, 2004.

The Examiner has restricted the pending claims into five (5) groups which the Examiner contends are distinct inventions: Group I (Claims 1-7, 10-14, 29-35 and 43) drawn to nucleic acids, Group II (Claims 8 and 9) drawn to proteins, Group III (Claims 15-28, 36 and 37) drawn to methods to detect a mutation in a nucleic acid, Group IV (Claim 38) drawn to a method to detect a mutation in a protein, and Group V (Claims 39-42) drawn to transgenic animals. In response to the Examiner's restriction, Applicants elect the claims of Group I (i.e., Claims 1-7, 10-14, 29-35 and 43 drawn to nucleic acids) for further prosecution in this application with traverse.

Applicants traverse the requirement by the Examiner to the extent that it

separates the claims of Groups I and II into two groups. The claims of Group I are directed to nucleic acid sequences and the claims of Group II are directed to the encoded proteins. Thus, it is believed that there is no undue or serious burden placed on the Examiner in the search for relevant patent and scientific literature art in the U.S. Patent Office, or in the examination of the claims of Group I, together with the claims of Groups II. Accordingly, the claims of Groups I-II should be searched and examined on the merits together in view of the art.

Finally, Applicants reserve the right to timely file one or more divisional patent applications covering the non-elected claims.

#### AUTHORIZATION

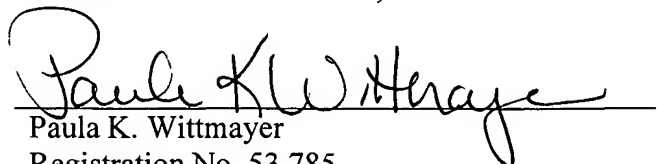
No additional fees are believed necessary in connection with this response. However, the Commissioner is authorized to charge any additional fees or credit any overpayments which may be required for this paper to Deposit Account Number 13-4500, Order No. 1829-4004US1 . A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: August 16, 2004

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